

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

GENERAL ELECTRIC CAPITAL  
CORPORATION, a Delaware corporation,

Plaintiff,

v.

HENSHUE CONSTRUCTION, INC., a  
Wisconsin corporation, GARY L. HENSHUE,  
a resident and citizen of Wisconsin, and  
JOHN E. SCHUCHARDT, JR., a resident  
and citizen of Wisconsin,

Defendant.

Case No. 08-cv-424-bbc

ORDER FOR REPLEVIN

This matter is before the Court on the Motion for an Order for Replevin (the "Motion") filed by Plaintiff, General Electric Capital Corporation ("GE Capital"). GE Capital seeks to replevy the Equipment that is more specifically described in the Verified Complaint and the Affidavit of William Wilson. The Court held a hearing on the Motion on August 6, 2008. Appearances for the parties were noted on the record. Based upon the files, records, and proceedings herein,

IT IS ORDERED THAT:

1. GE Capital is entitled to the immediate possession of the Equipment described in the Verified Complaint and the Affidavit of William Wilson. The Equipment consists of the following items, together with any and all component pieces, as more particularly described in the Equipment Schedule dated March 16, 1999, attached to the Verified Complaint as part of Exhibit A, the Equipment Schedule dated October 9, 1999, attached to the Verified Complaint as

part of Exhibit A, and Annex A to Construction Equipment Schedule No. 001 dated December 28, 2006, attached to the Verified Complaint as part of Exhibit D, to wit:

Description of Equipment

Number of Units	Manufacturer	Type of Equipment	Serial Number	Model
1	Ditch Witch	Jet Trac Directional Drill	2R2764	JT4020
1	Ditch Witch	Mud Mixing System	2R3315	ZMM9
1	Ditch Witch	Mud Mixing System	2R2731	ZMM9
1	Subsite	Tracking Receiver	55812	66TKWR
1	Subsite	Beacon	55868	86B
1	Subsite	Beacon	45654	86BH
1	Subsite	Remote Tracking Disp.	54106	90D
1	American Augers	Directional Drill	DD40170899	DD-4
1	Efficiency	Trench Box	129064	2005 HT6F-824
1	Efficiency	Trench Box	129057	2005 XLDF-816
1	Efficiency	Trench Box	129058	2005 XLDF-816
1	Efficiency	Trench Box	129059	2005 XLDF-816
1	Efficiency	Trench Box	129060	2005 XLDF-816
1	Efficiency	Trench Box	129061	2005 XLDF-424
1	Efficiency	Trench Box	129062	2005 XLDF-424
1	Efficiency	Trench Box	129063	2005 XLDF-424
1	Efficiency	Trench Box	129569	2005 XLAP-8X6
1	Efficiency	Trench Box	129570	2005 XLAP-8X6
1	Efficiency	Trench Box	129571	2005 XLAP-8X6
1	Efficiency	Trench Box	129572	2005 XLAP-8X6
1	Efficiency	Trench Box	129138	2005 HT8F-824
1	Efficiency	Trench Box	129137	2005 HT8F-824
1	Efficiency	Trench Box	127132	2005 XLDF-820
1	Efficiency	Trench Box	127134	2005 HT6F-824
1	Efficiency	Trench Box	127136	2005 HT8F-824
1	Efficiency	Trench Box	129242	2005 XLDF-816
1	Efficiency	Trench Box	129243	2005 XLDF-816
1	Case (Construction)	Wheel Loader	JEE0123269	2000 821C
1	Caterpillar	Dozer	ALY00837	2004 D6N LGP
1	Caterpillar	Skid Steer	SLK03401	2005 257B
1	Caterpillar	Skid Steer	SLK01876	2005 257B
1	Sterling	Truck w/Vactor Hydro Excavator	2FZNCEDB6XAA46345	1999
1	BOMAG	Roller	101581231014	2003 BW145PDH-3
1	Ditch Witch	Drill	2T3227	2000 JT 2720

Number of Units	Manufacturer	Type of Equipment	Serial Number	Model
1	Kobelco America	Mark IV	YCU0446	1996 SK300LC
1	Caterpillar	Motor Grader	2ZK00445	1995 140H
1	International	Single Axle Flatbed Dump	1HTSDPPN5RH560766	1994 4900
1	International	Lube Truck	1HTSCAAN3VH459163	1997 4900
1	International	Single Axle Flatbed Dump	1HTSDAAN0SH215348	1995 4900
1	International	Single Axle Flatbed Dump	1HTSDAAN2SH215349	1995 4900
1	International	Single Axle Flatbed Dump	1HTSDAAN6TH341229	1996 4900
1	International	Single Axle Flatbed Dump	1HTSDAAN2SH667480	1995 4900
1	International	Single Axle Flatbed Dump	1HTSCAAN0TH350124	1996 4900
1	International	Single Axle Flatbed Dump	1HTSCAAN2TH350125	1996 4900
1	International	Single Axle Flatbed Dump	1HTSCAAN6TH350130	1996 4900
1	Ditch Witch	Drill	2T1150	2000 JT 2720
1	Case (Construction)	Trencher	JAF0199374	1996 860
1	Case (Construction)	Wheel Loader	JEE0123675	2000 721C
1	Case (Construction)	Excavator	EAC0501198	1998 9050B
1	BOMAG	Single Drum Roller	101580021014	1999 BW156PDH-3
1	Peterbilt	Single Axle Flatbed Dump	3BPNHD7X3VF427657	1997

2. Defendant, Henshue Construction, Inc. ("HCI"), and its agents and employees, shall immediately: (1) disclose the location of the Equipment to GE Capital; and (2) deliver the Equipment to GE Capital.

3. Except as specifically set forth herein, HCI is hereby enjoined and restrained from taking any action concerning the Equipment, including, without limitation, the use, sale, transfer, or other disposition of the Equipment or any components hereof. In addition, HCI is hereby enjoined and restrained from taking any action that would interfere in any way with the seizure of the Equipment.

4. Upon the filing by GE Capital of a bond in the amount of \$800,000 approved by the Court and conditioned for the return of the Equipment to HCI, if a return be adjudged, the Sheriff



of any County in the State of Wisconsin where the Equipment may be situated, any Federal Marshal in the Western District of Wisconsin, or any duly authorized representative(s) of the same, is directed to seize the Equipment by any and all legal means. If the Equipment, or any unit of it, is concealed in a building or elsewhere, and a demand made by the Sheriff and/or the Marshal and/or its representative(s) for its delivery is refused or there is no response, then the Sheriff shall cause the building or other enclosure, including HCI's place of business at 313 West Beltline Highway, Madison, Wisconsin, and any other place of business of HCI, to be broken open and shall take the Equipment therefrom, or, alternatively, shall secure the building or other enclosure by any reasonable means including, without limitation, changing the locks of the building or other enclosure.

BY THE COURT:

*Barbara B. Crabb*

United States District Judge

Dated: August 6, 2008